

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

OLC 74=1256

14 JUN 1974

Honorable John C. Stennis, Chairman
Committee on Armed Services
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

On June 3rd the Senate approved certain amendments to the CIA section of the National Security Act of 1947 in voting on H. R. 14592. With certain understandings outlined below, I am pleased to say that these amendments are acceptable to me.

As you know, I fully accept the amendment inserting the word "foreign" immediately before the word "intelligence" in the Act, to clearly express the mission of CIA as relating only to foreign intelligence. I also am pleased to accept the amended provision of Clause (5) of subsection (d), adding a requirement to report to the Congress any "...functions and duties related to foreign intelligence affecting the national security as may be specifically directed from time to time by the [National Security] Council...".

With respect to the modified version finally adopted of a new section restricting CIA's activities in the United States, I believe that this language is fully appropriate on the understanding that certain foreign intelligence operations and certain activities necessary to the support of foreign intelligence operations can be legitimately conducted under Clause (5) of subsection (d) noted above, if specifically directed by the National Security Council and reported to the Congress. These would

include such current activities, described in my confirmation hearings, as (a) interviewing American citizens who are willing voluntarily and without pay to share foreign intelligence information in their possession with their Government; (b) collecting foreign intelligence from foreigners; (c) establishing support structures necessary to foreign intelligence operations abroad; and (d) providing technical assistance to the Federal Bureau of Investigation for its counterintelligence operations against foreigners. If this were not the intention of the Congress, I believe the United States would be unable to acquire significant foreign intelligence important to the national security. Perhaps this understanding could be included as an element of the legislative history of this Act.

The new subsection 102(g)(2) seems redundant and hardly appropriate in providing that a Federal agency should not participate in illegal activities. Further, I believe it possible that some could argue that such language affects the now clearly authorized acts of the Agency such as those outlined in Sections 5, 6, 7 and 8 of the CIA Act of 1949, exempting CIA from various provisions of law where necessary to the security of foreign intelligence operations.

Please allow me to express my appreciation of your interest in a clear statutory delineation of this Agency's functions and authority and my assurance that this Agency will respect in every way in the future the scope of the Agency's unique authorities as applying only to foreign intelligence and related activities.

Sincerely,

Signed

W. E. Colby
Director

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Suggested Language for Incorporation in
Conference Report on H. R. 14592

New subsection 102(g)(1) of the bill clarifies activities in which the CIA may not engage within the United States. In enacting this new subsection, it is not intended to impinge upon activities authorized by law such as those currently undertaken within the United States in support of the CIA's foreign intelligence mission, including the receipt of foreign intelligence information.

WRITE ONLY ON ONE SIDE OF EACH PAGE

CONGRESS
SESSION

H.R.

IN THE HOUSE OF REPRESENTATIVES

Bray)

Mr. Nedzi (for himself and Mr. /introduced the following bill; which was referred
to the Committee on Armed Services

A BILL

To amend the National Security Act of 1947, as amended, with regard to
the activities of the Central Intelligence Agency and for other
(Insert title of bill here)
purposes.

- 1 *Be it enacted by the Senate and House of Representatives of the United*
- 2 *States of America in Congress assembled,*

That--

Section 102 of the National Security Act of 1947, as amended
(50 U.S.C. 403), is amended as follows:

(1) Subsection (d) is amended by inserting "foreign" immediately
before "intelligence" the first time the latter term appears in such
subsection.

(2) Clauses (1) and (2) of subsection (d) are amended by insert-
ing "foreign" immediately before "intelligence" each time the latter
term appears in such clauses.

(3) Clause (3) of subsection (d) is amended by inserting "foreign"
immediately before "intelligence" the first time the latter term appears
in such clause, and by inserting before the semicolon at the end thereof
the following:

"and pursuant to that responsibility he shall develop appropriate plans, policies, and regulations but such responsibility shall not be construed to authorize the Agency to engage in any activity prohibited by the first proviso of this clause, and any information indicating a violation of such plans, policies and regulations shall be reported to the Attorney General of the United States for appropriate action."

(4) Clause (4) of subsection (d) is amended by inserting "relating to foreign intelligence activities" immediately after "of common concern".

(5) Clause (5) of subsection (d) is amended by inserting "foreign" immediately before the word "intelligence" and by inserting before the period at the end thereof the following:

"and report to the Congress in accordance with such procedures as the Congress may establish."

(6) Add at the end of such section new subsections as follows:

"(g) Nothing in this or any other Act shall be construed as authorizing the Central Intelligence Agency to engage, directly or indirectly, within the United States, either on its own or in cooperation or conjunction with any other department, agency, organization, or individual in any police or police-type operation or activity, any law enforcement operation or activity, any internal security operation or activity, or any purely domestic intelligence operation or activity: Provided, however, that nothing in this Act shall be

construed to prohibit the Central Intelligence Agency from protecting its installations or conducting personnel investigations of Agency employees and applicants or other individuals granted access to sensitive Agency information; nor from carrying on within the United States activities in support of its foreign intelligence responsibilities; nor from providing information resulting from foreign intelligence activities to those agencies responsible for the matters involved.

"(h) Transactions between the Agency and former employees, except for purely official matters, are prohibited."

CONGRESS } H.R.
SESSION }

A BILL

To amend the National Security Act
of 1947, as amended, with regard
to the activities of the Central
Intelligence Agency and for other
purposes.

BY MR. Nedzi and Mr. Bray

....., 19.....—Referred to the
Committee on Armed Services

File # 14592 NR 14592

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OLC 74-1295

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